

Q6. What are the rules for retaining data on a US person?

A6. So, (I'm) often asked the question about, "what are the rules for retaining data on a U.S. person." I'll answer that question, but the more interesting question is, "what are the rules that allow me to get that data in the first place?" Those rules are very carefully constructed; we have to have explicit authority, not implied authority, but explicit authority to go after anything in cyberspace, and therefore, if I was to target communications, I need to make sure that I can trace that authority back to an explicit law or court warrant. At that point, I have to make a decision as to whether this in fact was responsive to the explicit authority that I had; I may collect information that's incidental to that. It may have seemed to me up front that I would get information responsive to my authority, but I didn't. I have an obligation to purge that data, I have an obligation to not retain that data. So that at the end of the day, those things that I've gone after I simply didn't have the authority for, but it's the authority plus it played out just the way I had imagined, I got exactly what I was authorized to get, and I retain only that data.